



October 3, 1991

John Kelley, Acting Chief
Remedial and Enforcement Response Branch
United States Environmental Protection Agency
Region 5
230 South Dearborn Street
Chicago, IL 60604

US EPA RECORDS CENTER REGION 5



469142

RE: Albion-Sheridan Township Landfill Site
Albion, Michigan

Dear Mr. Kelley:

Cooper Industries, Inc. is in receipt of your letter of August 26, 1991 (which we received on August 30, 1991) regarding the captioned site. Your letter responded to ours of August 9, 1991 regarding your request for a good-faith offer to perform the Remedial Investigation/Feasibility Study (RI/FS) at this site. In your letter, you relate the difficulties presented to the Agency by an incomplete investigation and the lack of documentation retained by the landfill owner. Similarly, the Agency should understand Cooper's difficulty in committing substantial financial resources to a site without any evidence that it disposed of hazardous substances. It was for this reason, among others, that we questioned the timing of the 122(e) letter and requested a short extension of the 60-day period for submitting a good-faith proposal. The Agency's insistence on rigid adherence to this 60-day time period is particularly surprising in view of your complete failure to comply with the statutorily imposed deadlines for responding to Freedom of Information Act (FOIA) requests. (Cooper's FOIA request on this site was submitted on April 19, 1991 and a response was not received until August 6, 1991.) Further, three days after submitting our response to the request for a good-faith offer, we received a copy of the administrative deposition of Lloyd Mosher. Mr. Mosher apparently was employed as a truck driver by a local waste hauler and reportedly recalls hauling waste from the McGraw-Edison/Albion plant to the subject landfill. While we appreciate the Agency sharing this "investigative" material with Cooper, the delay in receiving it prevented us from considering this information in preparing our response to the request for a good-faith offer to perform the RI/FS. The Agency's delays in responding to our FOIA request and providing the investigative information in its files, clearly precluded Cooper from submitting a good-faith offer in the established time frame.

In this context, Cooper must reiterate its position that it does not believe that the EPA ever intended to receive a good-faith offer from Cooper at this site.

Cooper is committed to meeting its environmental obligations, a fact which it has demonstrated at sites across the country. Consistent with that approach, Cooper is now willing to undertake to negotiate with the EPA and other PRPs for the performance of the RI/FS at this site. In the event the Agency remains interested in the PRPs performing the RI/FS at this site, please have the appropriate person contact the undersigned at (713) 739-5541 at the earliest possible date so that we may discuss this possibility in greater detail.

Very truly yours,



Mark J. Airola
Counsel, Environmental

MJA:aff

xc: Bob Teets
Ron Sandberg

Beth Henning - Assistant Regional Counsel
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